

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JENNIFER ALLAN,)	
)	NO. CV S-01-2231 GEB GGH
Plaintiff,)	
)	
v.)	
)	<u>ORDER</u>
CITY OF MARYSVILLE, et al.,)	
)	
Defendants.)	
_____)	

On July 1, 2005, Defendants Sean Roberts, Kelly Fisher, and William McPherson filed an "Application and/or Motion for Reconsideration of June 13, 2005, Order by District Judge Burrell Denying Motions for Attorney's Fees and Sanctions."

A motion for reconsideration "should not be granted, absent highly unusual circumstances, unless the district court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the controlling law." 389 Orange St. Partners v. Arnold, 179 F.3d 656, 665 (9th Cir. 1999) (citing School Dist. No. 1J v. AC&S, Inc., 5 F.3d 1255, 1263 (9th Cir. 1993)). Further, Local Rule 78-230 requires the movant to set forth

1 the material facts and circumstances surrounding
2 each motion for which reconsideration is sought,
including:

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4 (3) what new or different facts or circumstances
5 are claimed to exist which did not exist or were
6 not shown upon such prior motion, or what other
grounds exist for the motion, and

7 (4) why the facts or circumstances were not shown
8 at the time of the prior motion.

9 Although Defendants argue in a conclusory manner that the
10 Court committed clear error in its previous ruling, they have
11 presented no persuasive grounds to justify reconsideration of the
ruling.

12 Since Defendants have not shown that reconsideration is
13 justified, the motion is denied.

14 IT IS SO ORDERED.

15 Dated: July 7, 2005

16 /s/ Garland E. Burrell, Jr.
17 GARLAND E. BURRELL, JR.
18 United States District Judge
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